

REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

5 Claim 1 has been cancelled without prejudice or disclaimer, and new claim 3 has been added. Claim 3 is fully supported in the specification as it was originally filed. Thus, the claims presently pending in the application are 2 and 3.

 Claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by McGonigle, U.S. 4,574,174. This rejection is respectfully traversed.

10 New claim 3 serves to overcome the rejection that the claims are anticipated by McGonigle. Applicant is of the view that the limitations introduced into new claim 3 serve to distinguish over the teaching of McGonigle, since it defines the carrier tray and the serving dish as having correspondingly sized and shaped surface portions and the frozen meal as having a surface portion that conforms to the size and shape of the surface portion
15 of the carrier tray and serving dish. Furthermore, claim 3 recites specifically that the meal is presented in the carrier tray in an upright, ready to eat, fashion, rather than in an upside down fashion as disclosed when McGonigle introduces his meal in the lid of his invention (which then subsequently requires inverting of the lid to introduce the food in an upright manner in the serving dish thereof).

20 Claim 3 also recites that the frozen meal has a surface portion that fits flushly against the correspondingly sized and shaped surface portion of the serving dish, whereby the meal is presented in the serving dish in the same upright, ready to eat, fashion as it was presented in the carrier tray, so that the look of a gourmet meal as prepared on the carrier tray is maintained.

There are now even clearer distinctions between the invention recited in claim 3 and the method and apparatus disclosed in the McGonigle patent. Indeed, McGonigle teaches away from the claimed invention in that McGonigle requires that the meal stored in the lid be inverted over a dish, thus causing the meal to drop from the lid into the dish.

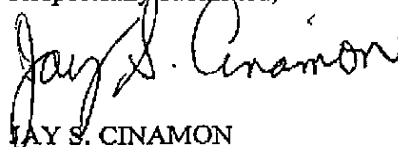
5 This, most certainly, is not conducive to maintaining the shape of the meal from the lid to dish and, in fact, will in all likelihood serve to distort the shape of that meal in the inverting and dropping process. The purpose of the present invention is to prevent size and shape distortion from the time the meal is introduced into the carrier tray to the time when it is served and consumed from the serving dish.

10 Since the claims clearly distinguish over the reference, the rejection is deemed to have been overcome and it should, accordingly, be withdrawn since a *prima facie* case of anticipation has not been established.

The issuance of a Notice of Allowance is solicited.

Please charge any fees which may be due and which have not been submitted
15 herewith to our Deposit Account No. 01-0035.

Respectfully submitted,



JAY S. CINAMON
Attorney for Applicant
Reg. No. 24,156

20
25 ABELMAN, FRAYNE & SCHWAB
150 East 42nd Street
New York, New York 10017
(212) 949-9022
30 (212) 949-9190

petermax\7703tas.pto